

**WILLIAMSBURG CITY COUNCIL
JUNE 12, 2008
MINUTES**

The Williamsburg City Council held its regular monthly meeting on June 12, 2008, at 2:00 p.m., in the Council Chambers of the Stryker Building.

ATTENDANCE

Present were Ms. Zeidler and Messrs. Haulman, Chohany, Freiling and Braxton. Also present were City Manager Tuttle, City Attorney Phillips, and City Clerk Crist.

Also Attending: Assistant City Manager Miller, Deputy City Attorney Workman, Economic Development Manager DeWitt, and Department Heads Clayton, Nester, Hudson, Serra, Weiler, Walentisch, and Yost

CALL TO ORDER

Mayor Zeidler called the meeting to order.

COUNCIL MINUTES

Mr. Freiling Moved That City Council Approve the Minutes of May 5 and 8, 2008. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

Matters of Special Privilege

Excellence in Service to Williamsburg Award presented to George Wilson, Fire Department

Mayor Zeidler said that this is a special award because the recipient was nominated by his coworkers and peers. She asked Fire Inspector Wilson to join her at the podium where she read the award recognition, noting his 30 years of service, and presented him with the Excellence in Service to Williamsburg plaque.

Inspector Wilson thanked the Mayor and Council for the honor. He thanked his co-workers for the nomination and for their support over the last 30 years. He has enjoyed working for the city.

RESOLUTION HONORING MICHAEL (MICKEY) P. CHOHANY

Mayor Zeidler announced that this was Mr. Chohany's last City Council meeting. Council members, the City Attorney, City Manager, and City Clerk attended a farewell lunch in his honor, followed by a small reception in the lobby of the Stryker Building. Mayor Zeidler read the resolution thanking and recognizing Mr. Chohany for his four years of service to the city, noting his service was *"characterized by thoughtfulness, energy, and a sincere concern for the well being of all the citizens of Williamsburg and for the future of his city."* Mr. Chohany decided not to run for re-election in order to spend more time with his family.

Mayor Zeidler said that she enjoyed working with Mr. Chohany and the collegiality. He led the way in being agreeable, a good listener, and always tried to understand the other point of view. Mayor Zeidler recognized Mr. Chohany's family in the audience-- wife Vicki and daughters Olivia and Haley, and thanked them for lending Mickey to the city for four years.

Mr. Chohany said it was an honor to serve and he enjoyed his term on Council. He appreciated that the city government is well lead with a great city staff. He appreciated the patience of his colleagues, and that in the end, quality was always put forth with Council's decisions. He was privileged to be able to grow up, live, and raise his family in Williamsburg. Mr. Chohany congratulated Ms. Knudson on her election.

Council members bid Mr. Chohany farewell. Mr. Braxton was appreciative of Mr. Chohany's guidance over the years. Mr. Freiling thanked him for his unwavering commitment to improving the quality of life for the residents of our community. Mr. Haulman agreed with his fellow members and said it had been a pleasure to work with Mickey; he added a different perspective, but was always willing to listen and compromise. This Council has enjoyed a collaborative, working relationship.

Mr. Chohany acknowledged his wife and children, brother (and business partner), and his parents, for their understanding and patience during his time on Council.

Public Hearings

COMPREHENSIVE PLAN IMPLEMENTATION

1. PCR #08-006: RS-3 District Text Revision – add “Studios or workshops for artists and artisans” as a special exception use, *Proposed Ordinance #08-14*.
2. PCR #08-007: Rezone 12.8 acres at 723-1203 Lafayette Street, 101-108 Wythe Avenue, 102-110 Delaware Avenue, 109-127 Shirley Avenue, and 109, 111 and 115 Westover Avenue from RS-2 to RS-3, *Proposed Ordinance #08-15*.
3. PCR #08-008: Rezone 22.6 acres at 298-508 Ironbound Road, 1501-1509 and 1801 Ernestine Avenue, 245-319 Roland Street, 241-319 Calvin Street, and 245-312 Wilhelmina Street from RS-2 to RS-3, *Proposed Ordinance #08-16*.
4. PCR #08-009: Rezone 1.0 acre at 290, 292 and 294 Ironbound Road from RS-2 to RM-2, *Proposed Ordinance #08-17*

Reference for these cases was Mr. Nester's report dated June 12, 2008. Mr. Nester said that this package of amendments completes the implementation of the 2006 Comprehensive Plan recommendation for medium density single family detached areas and completes the zoning recommendations of the Comprehensive Plan.

The Planning Commission reviewed and recommends approval of the proposed ordinance adopting the text revision to the RS-3 District adding studios or work shops for artists and artisans as a special exception use. Noting the suggestion made by Mr. Freiling at the May meeting, he prepared an alternate Proposed Ordinance #08-14(A), removing from the ordinance the two person limitation on the number of family members conducting an artist or artisan studio or workshop. Mr. Nester reviewed the areas to be rezoned to RS-3.

Mr. Nester reviewed area maps of the proposed rezonings to RS-3 in the West Williamsburg and Wales Areas, and a small area to RM-2 Multifamily Dwelling near Bristol Commons. All were recommended for approval by the Planning Commission.

Mayor Zeidler opened the public hearing on the text amendment and rezonings:

No one wished to speak. The public hearing was closed.

Mr. Haulman noted that Council members discussed these cases extensively, and he supported the alternate proposed ordinance #08-14A. Mr. Chohany, Mr. Braxton, and Mr. Freiling concurred. Mr. Freiling was pleased with the end product of the alternate ordinance regarding artists and artisans and thought it important that the next generation have the opportunity to be involved in a family business.

Mr. Chohany Moved that City Council Adopt Proposed Ordinance #08-14A, An Ordinance Amending Chapter 21, Zoning, Article III, Division 3.1, Single Family Dwelling District RS-3, and Article VI, Signs, by Adding Provisions for Studios or Workshops for Artists and Artisans as a Special Exception Use. The Motion was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None (See Adopted Ordinance #08-16)

Mr. Chohany Moved that City Council Adopt Proposed Ordinance #08-15, An Ordinance to Rezone Approximately 12.8 Acres at 723>1203 Lafayette Street, 101>108 Wythe Avenue, 102>110 Delaware Avenue, 109>127 Shirley Avenue, And 109,111 and 115 Westover Avenue From RS-2 Single Family Dwelling District to RS-3 Single Family Dwelling District. The Motion was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None (See Adopted Ordinance #08-17)

Mr. Chohany Moved That City Council Adopt Proposed Ordinance #08-16, An Ordinance to Rezone Approximately 22.6 Acres at 298>508 Ironbound Road, 1501>1509 AND 1801 Ernestine Avenue, 245>319 Roland Street, 241>319 Calvin Street, AND 245>312 Wilhelmina Street from RS-2 Single-Family Dwelling District to RS-3 Single Family Dwelling District. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None (See Adopted Ordinance #08-18)

Mr. Chohany Moved That City Council Adopt Proposed Ordinance #08-17, An Ordinance to Rezone Approximately 1.0 Acre at 290, 292 AND 294 Ironbound Road from RS-2 Single Family Dwelling District to RM-2 Multifamily Dwelling District. The Motion Was Seconded by Mr. Freiling.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None (See Adopted Ordinance #08-19)

Mayor Zeidler congratulated Mr. Nester on the completion of implementing the 2006 Comprehensive Plan.

PCR #07-040: Amend the Sign Regulations for the Corridor Sign District and for Subdivision and Residential Project Identification, *Proposed Ordinance #08-19*

Reference for this item was Mr. Nester's report dated June 12, 2008. Mr. Nester presented a city Sign Districts Map and noted the Corridor Sign District was shown in red and was the primary sign area to be discussed. Minor changes to subdivision or project identification signs and parking lot directional signs are included in the ordinance.

Mr. Nester explained that new development in the city's commercial corridors as well as in adjoining jurisdictions led to a staff review of the current sign regulations. The section of the Zoning Ordinance regulating signs states that signs should be adequate, but not excessive, for their intended purpose as a means of communicating, but without adverse impact on the visual character of the area.

The new regulations address signs that the city has not had before, such as interior free standing signs for single tenant buildings in a shopping center, because we have new types of development. Mr. Nester reviewed a chart "Comparison of Freestanding and Monument Sign Proposals for Shopping Centers with 750' or Greater Frontage" which included the Planning Commission's recommendation to Council and proposed staff revisions. He noted the regulations for shopping centers with a theater and used photographs and illustrations of signage sizes and types. The city is trying to develop signage that suits the character and situation that exists.

Mr. Nester said building mounted sign regulations are more complicated. It is proposed that the bureaucratic sliding scale be replaced with a series of tiers depending on the building setback. He reviewed a slide of "Comparison of Building Mounted Sign Proposal, Maximum Size Allowed," explaining the recommendations of the Planning Commission and proposed staff revisions.

Mr. Nester reviewed a Photoshop presentation of existing building mounted signs and how they might look under the various proposals. He noted that not every business in the city wants the maximum size sign. He explained how the tier system would apply for High Street and along Richmond Road. A sign area of 40 square feet would be allowed in the first tier within 200 feet, 60 s.f. in the second tier with a 200-300 foot setback, 80 s.f. in the third tier with a 300 -400 foot setback, and 100 square feet for the fourth tier of more than a 400 foot setback. Some of the smaller interior stores will benefit from the regulation calculating sign area 1.5 square feet per lineal foot of store width. He discussed signage for the new Quarterpath Crossing shopping center stores under the present and proposed regulations. For a theater, the maximum sign size would be 228 s.f. Roseland would like a larger sign for the theater, and there are provisions to allow a larger sign with a special exception by the BZA and the ARB would review and make recommendation.

Mr. Nester said that this was a lot of information and it was complicated, but it had to be done in order to create sign sizes in the community to fit in with the character we are trying to preserve and to accommodate the new styles of development such as High Street, Quarterpath Crossing, and as Riverside develops. These regulations will preserve the character but allow flexibility for the business community in today's situations.

Mayor Zeidler thanked Mr. Nester for his presentation on this complex issue.

Council members and Mr. Nester discussed:

- Corridor Sign District is in the Architectural Review District. A business may apply

for a special exception from the BZA for a larger free standing sign for stores more than 100 feet wide with a setback of more than 400 feet.

- Signage for the Williamsburg Shopping Center is based on building frontage and they could have a third monument or freestanding sign on Richmond Road, but they have not applied for a third.
- Some businesses have elected to downsize the size of their sign.
- Monticello Shopping Center would be eligible now to add an additional Monument sign on Monticello Avenue.
- High Street signage for the commercial area is limited. Residential development signage would be allowed, limited to 24 s.f.
- Signage allowed based on store width and setback from the street.
- Before the Board of Zoning Appeals can act on a special exception to increase sign size, the ARB must review the sign and make a recommendation to the BZA before they act. The ARB is bound by the sign ordinance and would have to evaluate a request for a larger sign based on regulations.
- The reasoning behind allowing larger signage on interior shopping center stores. Mr. Nester was trying to achieve uniformity.
- The method of calculating building sign size if there is more than one store in a building. Measure setback to the center of the building and every store would get the same tier.

Mayor Zeidler opened the public hearing.

Stuart M. Hughes, 103 Williamsburg Avenue, thanked Mr. Chohany for his outstanding service to the city; it is a good reflection of his parents. City Council has the ability to empower and enable the staff and appointed members to the various boards. The ARB and others. These board's power and influence at times cause changes to the staff's decisions and in turn exceeds the desire of Council. They are not elected. Members of these boards have turned their arena into their own bastions. Sometimes members defer their vote on a project which impacts the final outcome of a vote. Members of boards should not serve longer than two years, or on more than one board. Council represents the residents of Williamsburg and these boards work for Council's benefit, desire, and direction. The city has used a lot of time and resources to underground wires, and staff has spent a lot of time and resources to develop the sign regulations. Larger signs are not the answer as to whether a business will be successful. It is based on service, products, and looking ahead. If businesses would prune the growth that hides their sign, visibility of the sign would be improved. Williamsburg sets itself apart from the rest of the world; why race to lessen the standards that have been set by Williamsburg.

Dan Aston, representing High Street High Street is somewhat unique because there is so much interior space in the development. It needs to be signed correctly. They want to try to identify these stores that will serve residents and visitors. Every sign along Richmond Road back to Middle Street is subject to ARB review. High Street's issue is how you measure the monument signs. They would like to have dominant monument signage at the entrance with strong architectural elements proportioned correctly along Richmond Road. They should not be penalized for architecture. Other than that, he supported the staff recommendations.

Jim Clark, Claiborne Resident, commended Council on their efforts to maintain our city. He noted the amount of commercial development that has taken place in the community. Developers are not being short-changed. The signage is fine and people will be able to find businesses in town. Large signage is an annoyance to the senses. This is a beautiful town and Council should consider the Architectural Review Board comments.

Sharon Scruggs, 119 Woodmere Court, asked about which façade is being used to measure for signage in High Street and do they get larger depending on setback. Signage is very important to a business person and Williamsburg does it very well.

Vic Smith, Counselors Close, was concerned that we have a new development thought in the middle of a historic area and some of this happens when we open up to large track development. The "mall-like thought" is not applicable to Williamsburg. He did not see the need to change Williamsburg's signage because we have new development. It is not necessarily bad to be able to fit into a colonial type atmosphere. He thanked Council for its deliberations.

Stephan Gordon, Nusbaum Realty Company, developers of Quarterpath Crossing, and three in James City County. Mr. Gordon said that their signs have been approved by the ARB and are very attractive. Mr. Nester has done an unbelievable job in a city that has so many aspects. They are happy with the staff recommendations and do not mind that some smaller stores will have less signage than under the old ordinance. The Harris Teeter store should have the opportunity for a sign proportioned for the size of the building. They will work through the city's process for the monument signs. Mr. Gordon said that he is a William and Mary graduate (1964) and he has a lot of compassion for Williamsburg and will bring a nice development to the city.

Mr. Hughes took exception to Mr. Gordon's comments about the development and comparing the city with the counties. We are not James City or York County. Developers know they are coming to Williamsburg—not the county. He referenced ads in the *Virginia Gazette* by High Street implying a connection with Colonial Williamsburg; he had sent Council copies.

No one else wished to speak. The hearing was closed.

Council members and Mr. Nester discussed the proposed regulations.

Mr. Nester said that in reconstructing the sign ordinance staff realized where there is a larger shopping center, or one with a private drive and interior street system, signage would be allowed on many sides of the various buildings and he provided scenarios for stores located in the different tiers.

The Mayor said Mr. Nester has done a good job on a complex issue.

Mr. Haulman said it was important to remember that many businesses choose to go to the maximum size sign. He liked the interior freestanding monument signs for shopping centers—it is a great idea and liked the concept of the varying signage for shopping centers and in those with theaters. He was not sure about the 64 square foot sign, wondering if this was too large. He liked the new regulations for building mounted signs

and only about half of the current signs could be enlarged. He liked the current regulations. This is an exceptionally challenging process to go through.

Mr. Chohany agreed with the recommendation for freestanding/monument signs and the flexibility that is offered, especially for a theater. A large sign is not necessarily offensive. He served on a sign ordinance committee several years ago and they addressed many of the same issues we find offensive today. He was comfortable with the current staff recommendations and felt the size of building mounted building signs were appropriate. Many businesses have opted for good taste and not necessarily a larger sign. This proposal is conservative and appropriate for today's needs.

Mr. Braxton looked at building mounted business signs along Richmond Road, York Street, Second Street, and Capitol landing Road, and wondered about future impacts. He was comfortable with proposed staff revision to 40 square feet of signage and concluded that this small increase would not make a notable difference. Businesses must go through many reviews before approval—ARB and in some cases BZA. He concurred with staff's proposal.

Mr. Freiling addressed free standing monument signs. He liked freestanding interior monument signs and allowing them on non-arterial streets. Signage closer to commercial development makes more sense. There is benefit in going to two larger signs rather than three smaller signs. Less clutter. Williamsburg is often compared with Hilton Head and its standards. Hilton's municipal code is more lenient than the city's for monument signs. He was comfortable with the proposal for monument signs. Looking at building mounted signs, he noted the importance of context of where the sign is located and the perspective from the road. He appreciated the idea of ARB and BZA approval so that they can look at signs in context and where they are located. He was concerned about the graduated signs depending on setback from an arterial road in two aspects: why do businesses not facing the main road need a larger sign. This disrupts the continuity on signage on the courtyard area. There ought to be some connection between the visibility of the sign from the street to warrant increasing to an exceptionally large sign.

Mayor Zeidler agreed with Mr. Freiling that the setback and context should be considerations in determining the size of the sign. The ARB does a good job and it is good that they would review signage. She was pleased with the flexibility of the proposal for freestanding signs. She was not concerned about the possibility of 64 s.f. signs because the design would be reviewed by the ARB and BZA. She thanked Mr. Freiling for researching the Hilton Head code.

Mr. Nester thought that the tier system and 40 s.f. sign works well for not only High Street, but the rest of the corridor and the ordinance is equitable. The variable is the width of the store. One and one-half s.f. per foot of frontage to determine sign size works well. It would be proportional if there was more than one side of a store and depending on where the store was facing.

Mr. Freiling was concerned about a discrepancy in the ordinance that would allow increasingly larger signs on an interior street as the setback from the corridor increases. Haulman thought that developers would make an effort to be consistent and what is set for signage at the front becomes the standard for the rest of the development. Mr. Freiling

reiterated his concern about the possibility of a 100 s.f. sign being increased to 200 s.f. sign with more than a 400 foot setback with BZA approval. It helps that this was recommended by the Planning Commission.

Mr. Chohany thought it would depend on the scale. He thought it should be left to the judgment of the ARB and BZA to decide appropriateness and that they would take a conservative approach.

Addressing Mr. Freiling's concern about large signs, Mr. Nester was comfortable with the fact that signs more than 100 s.f. would need approval from the BZA with an ARB recommendation.

Mr. Chohany Moved That City Council Adopt Proposed Ordinance #08-19 As Amended By Staff dated 6/12/08, An Ordinance Amending the Code of the City of Williamsburg, Chapter 21, Zoning, Article VI, Signs. The Motion Was Seconded by Mr. Braxton.

Recorded Vote on the Motion:

Aye: Braxton, Zeidler, Chohany

No: Freiling, Haulman

Monthly Financial Statement

The monthly Financial Statement was received and ordered filed.

Monthly Departmental Operating Reports

The Monthly Departmental Operating Reports were received and ordered filed.

City Manager Reports

VPPSA–City Service Agreement for Storm Debris Removal

Reference for this item was Mr. Tuttle's report dated June 3, 2008. Mr. Clayton introduced Mr. Steve Geissler from VPPSA, the regional authority formed to handle recycling and waste disposal services in our area. The agreement with VPPSA provides for debris removal, and the reduction and disposal services for hurricanes and other disasters. VPPSA contracts with three major companies who specialize in storm debris operations, and should the city need these services; debris removal operations would be expedited. Staff recommended that Council authorize the City Manager to execute the agreement.

Mr. Freiling was impressed with the details of the contract.

Mr. Freiling Moved That City Council Authorize the City Manager to Execute the Debris Removal, Reduction, and Disposal Services for Hurricanes and Other Disasters Service Agreement Between the City and VPPSA. The Motion Was Seconded by Mr. Braxton.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

Continued Support for Riverside Acute Care Facility and Doctors' Hospital in the City of Williamsburg, Proposed Resolution #08-07

Reference for this item was Mr. Tuttle's report dated May 20, 2008. Mr. Tuttle said that

Council previously supported Riverside's request for a Certificate of Public Need for Doctors' Hospital, and they are asking for Council's support again. Mr. Tuttle recommended Council adopt the proposed resolution of support.

Mr. Freiling stated that he supports this request, but noted that this does not indicate a lack of support for Sentara Regional Medical Center, but gives residents a choice and options. Zeidler added that Council has always said that in its support for another hospital.

Mr. David Tate, Senior Vice-President for Development of Riverside Health System, advised that a letter of intent has been submitted and the formal application will be submitted July 1. Riverside expects an answer from the State Commissioner on or about March 10, 2009.

Mr. Braxton Moved That City Council Adopt Proposed Resolution #08-07, A Resolution of Continuing Support for the Riverside Acute Care Facility and Doctors' Hospital in the City of Williamsburg. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

(See Adopted Resolution #08-07)

Purchase of Property at 290 Strawberry Plains Road

Reference for this item was Mr. Tuttle's report dated June 4, 2008. Mr. Tuttle said that the city has the opportunity to purchase a three acre parcel along Strawberry Plains Road, zoned for Single Family use, at a cost of \$150,000. This is a narrow piece of property that will be used to control future development or for open space.

Mr. Haulman said that this important property purchase will protect the city's investment in the Strawberry Plains Subdivision and provides options for the future. Council members agreed, and Mr. Freiling noted this is sensitive not only to Strawberry Plains but also to College Woods. Mayor Zeidler said that the city wanted to incorporate this property into the subdivision, but it could not be acquired. Mr. Tuttle recommended that Council ratify this purchase.

Mr. Freiling Moved That City Council Ratify the Purchase of Property at 290 Strawberry Plains Road for a Purchase Price of \$150,000. The Motion Was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

Citizen Advisory Boards Sunset: Citizens Telecommunications Advisory Committee, Proposed Ordinance #08-20; Recreation (Advisory) Board, Proposed Ordinances #08-21

Reference for this item was Mr. Tuttle's report dated June 5, 2008. Mr. Tuttle reported that the Citizens' Telecommunications Advisory Committee and Williamsburg Recreation

(Advisory) Board are no longer active and should be sunsetted. The CTAC no longer has a meaningful role and last met in 2006; the Recreation Board has not been active for 20 years. The proposed ordinances would repeal them from the City Code.

Mr. Freiling Moved That City Council Adopt Proposed Ordinance #08-20, An Ordinance to Repeal Division 7 (Sections 2-135 Through 237) of Article III, Chapter 2 of the Williamsburg Code Regarding the Citizens' Telecommunications Advisory Committee, and that City Council Adopt Proposed Ordinance #08-21, An Ordinance to Repeal Article II, Division 2 (Secs. 13-46 through 13-51) of Chapter 13 of the Williamsburg Code Pertaining to the Williamsburg Recreation Board. The Motion Was Seconded by Mr. Chohany.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None (See Adopted Ordinance #08-21 and #08-22)

Watershed Property Contract—Parcel A-1 Red Dirt Road

Mr. Tuttle reported that this matter was removed from the agenda.

Phase II Kiwanis Park Renovations

Reference for this item was Mr. Tuttle's report dated June 5, 2008. Mr. Hudson reported that Phase I of the Kiwanis Park Renovation project was completed in December 2007. In March 2008, the city received two unsolicited PPEA proposals for construction of Phase II renovations. This phase of the project includes the construction of two additional softball fields, concession/restroom building, storage building, expansion and improvements to the parking area, demolition of the remaining field and buildings, and installation of field lighting for all three fields.

The committee recommends that City Council authorize staff to negotiate with David A. Nice Builders, Inc., on a comprehensive agreement for this project. The bid from Nice was \$1,671,136, approximately \$278,000 under budget. It was hoped that the contract would be awarded in July with completion the following spring. Mr. Hudson noted that Mr. Kevin Wills, Project Manager with MBP, project facilitator, and members of his staff were present.

Council members and Mr. Hudson discussed the planned improvements including the irrigation of ball fields and a more economical controlled lighting system. The area for tennis courts is reserved but not planned at this time. Mr. Hudson responded that the bid proposal from Curtis Contracting, Inc. was over-budget.

Mr. Freiling Moved That City Council Authorize Staff to Open Negotiations with David A. Nice Builders, Inc., with the Goal of Returning a Comprehensive Agreement to City Council for Approval at the July 2008 Meeting. The Motion was Seconded by Mr. Haulman.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

Route 199 Limited Access Change, Proposed Resolution #08-08

Reference for this item was Mr. Tuttle's report dated June 3, 2004. Using a drawing prepared by the Timmons Group, Mr. Clayton explained that the Route 199 limited access

line needs to be shifted in order to make improvements in the Route 60 ramps. The ramp modifications are necessary to accommodate the additional traffic created by the Quarterpath at Williamsburg development. The radius and length of the ramps will meet VDOT standards, and VDOT supports this change. The interchange is located in James City County, and has the county's support. A parallel resolution will go to the JCC Board of Supervisors. The developer will provide traffic studies and other supporting information

required by the Commonwealth Transportation Board. It is recommended that Council approve the proposed resolution.

Mr. Freiling stated that this would be a great improvement to the existing traffic situation.

Mr. Freiling Moved That City Council Approve Proposed Resolution #08-08 Requesting VDOT and the Commonwealth Transportation Board to Change the Route 199 Limited Access Line at the Route 199/Route 60 Interchange. The Motion Was Seconded by Mr. Braxton.

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

(See Resolution #08-08)

Unfinished Business

Boards and Commissions

*Mr. Haulman Moved that City Council Appoint **Mr. Thomas W. Gillman** to the Economic Development Authority for a four year term to expire June 8, 2012; and*

***Mr. Gregory Ballentine** to the Planning Commission for the unexpired term of Ms. Judith Knudson to expire December 31, 2009; effective July 1, 2008; and*

***Mr. Frederick W. Siegel** to the Board of Zoning Appeals for the unexpired term of Mr. William Carr to expire December 31, 2009; and*

*That City Council Recommend to the Circuit Court Judge the reappointment of **Mr. Michael Polizzi, Mr. Julius Dell, and Mr. David Hertzler** to the Board of Equalization for a one year term to expire June 30, 2009; and*

*Recommend to the Circuit Court Judge the appointment of **Mr. John N. Marston and Ms. Barbara C. Baganakis** to the Board of Equalization for a one year term to expire June 30, 2009. The Motion was Seconded by Mr. Freiling.*

Recorded Vote on the Motion:

Aye: Freiling, Braxton, Zeidler, Haulman, Chohany

No: None

OPEN FORUM

Mr. Gary Shelley, 205 Indian Springs Road, stated that some of what is said will be a rehash of what he and Ms. Flanagan said on Monday, and will contradict the account made by City Attorney Phillips at the end of the meeting on Monday. Mr. Shelley said that Mr. Phillips did not mentioned two charges against him by the city of which he was found

innocent by the General District Court. Mr. Shelley said that the neighbor beside of 306 S. Boundary Street did not give permission for the city to come on his property to take photos of his rental property and he had a signed letter stating that. Staff swore before Judge Killea that the photographs did not turn out when they appeared before the Judge. Perhaps we should talk about suppression of evidence. He stands behind his tenants, and stated that he found that they did nothing wrong. The yard was orderly. His tenants were being harassed and bullied. He reiterated the events stated on Monday by Ms. Flanagan and by him regarding removal of property from the yard. Words of truth were not libelous and slanderous. He felt that Mr. Phillips had misrepresented the truth. The City Attorney's office was trying to cover for its own mistakes or mistakes of others that work for the city. He asked why the items deemed by the city to be debris remain in the backyard of 306 S. Boundary Street to this day. This activity was none of his doing; he was reacting to actions by the city and did not know why this was being revisited and why it was in the newspapers.

The meeting adjourned at 4:58 p.m.

Approved: July 10, 2008

Shelia Y. Crist, MMC
Clerk of Council

Jeanne Zeidler, Mayor